

REMARKS

Claims 1-21 currently remain in the application. Claims 1, 2, 4, 5, 8, 9, 12, 13 and 17 are herein amended.

Claims 1-21 were rejected under 35 U.S.C. 102 as being anticipated by Loopstra. Rejection of a claim under 35 U.S.C. 102 is justified only when each of the inventive elements in that claim is disclosed in one reference. Thus, independent claims 1, 8, 9 and 17 have been herein amended to introduce an additional limitation that the first mirror and the second mirror are positioned with respect to the wafer stage such that both their heights and their horizontal positions are different. Loopstra discloses wafer stages with two mirrors but in all of the embodiments disclosed by Loopstra, the two mirrors R_3 and R_4 formed on the wafer stages are at the same height (as clearly shown, for example, in Figs. 6 and 7). Loopstra has no apparent reason to place these mirrors at different heights and does not even hint at so displacing the mirrors. Thus, this additional limitation is believed to obviate the Examiner's rejection even on the ground of obviousness, much less on the ground of anticipation.

Dependent claims 5 and 13 are herein further amended to further limit the two mirrors as both facing the same direction towards the interferometer. This is clearly supported by the drawing and hence should be deemed enterable. As being clearly ascertainable, Loopstra's two mirrors R_3 and R_4 are oriented such that one faces the interferometer and the other faces away therefrom. In other words, claims 5 and 13 are intended to further serve to distinguish the present invention from Loopstra.

Claims 4 and 12 are herein amended in response to the Examiner's rejection in Paragraph 3 of the Official Letter. Explained more in detail, the positions at which the reference beams are reflected are no longer described in terms of the desired consequence but in terms of readily ascertainable positional descriptions which are again clearly supported both by the drawings and a limitation in the specification (say, paragraph starting at line 28 of page 2). It is further to be noted that Loopstra does not include any statement even remotely similar to these limitations now being presented in claims 4 and 12. Loopstra does not say anything and Loopstra's drawings do not show anything related to horizontal relationship between axes MAX,7 and MAX,8, nor between axes MAX,2 and MAX,3, much

less the concept of the center of the wafer stage with respect to which the positional relationship between the reflection points are now described in claims 4 and 12.

Claim 2 has further been amended in order to correct an editorial error.

In summary, it is believed that the instant Amendment is believed to be totally responsive to the Office Action and hence that the application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Keiichi Nishimura', written over the printed name.

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